

**MINUTES**  
**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING**  
**Utah Department of Environmental Quality**  
**168 North 1950 West, Building #2, (Conf. Room 101), SLC, Utah**

**July 14, 2005**

**Board Members Present:** Craig Anderson (Chair), John Newman (Vice-Chair), Michael Brehm, Carlton Christensen, Kory Coleman, David Cunningham, William Doucette, Craig Forster, Gary Mossor, Dianne Nielson, Dennis Riding.

**Staff Members Present:** Dennis Downs (Executive Secretary), Brad Johnson (Executive Secretary UST), Mark Christensen, Edward Costomiris, Marty Gray, Rusty Lundberg, Dale Marx, Cheryl Prawl, Bill Rees, Doug Taylor, Don Verbica, Bill Wallner, Otis Willoughby, Raymond Wixom.

**Others Present:** George Gooch, Kris Snow, Walton Levi, Tim Orton, Jerry Mason, Judy Lever, Clint Warby, Dan Shrum, Sean McCandless, Tye Rogers, Richard Rathbun, Chris Falkenberg.

**I. The meeting was called to order at 1:05 p.m.**

Scott Bruce and Kevin Murray were excused from the meeting.

**II. Recognition of out-going Board member (Judy Lever)**

Craig Anderson recognized Judy Lever as an outgoing Board member. Ms. Lever was presented a plaque for her dedicated service on the Board. Ms. Lever served on the Board for two terms, totaling approximately eight years. On behalf of the Board members, Craig Anderson thanked Ms. Lever for her service, time and commitment to the Board.

Dennis Downs also thanked Ms. Lever on behalf of the Division Staff. Mr. Downs stated that Ms. Lever was instrumental in formatting the way information is now presented to the Board and the public, i.e., the Executive Summaries that are provided in the Board's packet. Ms. Lever continually worked with the Division staff in providing valuable suggestions on how improvements could be implemented and was thanked for all her efforts.

Ms. Lever stated that it is a valuable thing to do the public's business. Ms. Lever also stated that part of serving the public includes encouraging the Division staff to do their professional best. Ms. Lever encouraged Division staff to interpret information for the public, as they may not understand all of the science that is involved in many of the issues being dealt with. Ms. Lever stated it is very important for the public and for industry to feel like they are being treated fairly and appropriately. Ms. Lever commended the Division staff for their dedicated efforts and also stated that she appreciated the opportunity to serve with the other members of the Board.

**III. Approval of minutes for the June 9, 2005, Board meeting (Board Action Item)**

**It was motioned by William Doucette and seconded by John Newman and unanimously carried that the June 9, 2005, Board Meeting minutes be approved.**

William Doucette was acknowledged again for his efforts in coordinating the use of the Utah Water Research Laboratory (UWRL) conference room for the June 9, 2005, Board meeting and for the tour of the UWRL following the Board meeting.

Dennis Downs stated that due to time constraints in touring the UWRL last month, information on the various other types of research and activities performed at the UWRL was not presented. Therefore, Mr. Doucette has agreed to give a presentation to the Board at the September meeting.

#### **IV. Underground Storage Tanks Update**

##### **A. Federal Energy Bill Status**

In previous Board meetings, the Federal Energy Bill of 2005 was discussed, which the U.S. House of Representatives had already passed. Brad Johnson informed the Board members that recently, the U.S. Senate had also passed their own version of this bill. However, there appears to be a number of conflicts between the two versions. One significant difference between the two versions concerns liability for Methyl Tertiary Butyl Ether (MTBE) contamination. The House bill included some liability relief for the manufacturers of MTBE. If manufacturers have liability protection, then the owners/operators of facilities do not have the ability to seek any cost recovery or compensation from them. To resolve this conflict, there was an effort by some representatives in the House to eliminate the liability protection. However, the motion failed. In so doing, the bill has now been sent to a conference committee to go through all of the different conflicts between the two versions. Mr. Johnson will keep the Board updated on this issue as developments arise.

Dennis Riding asked if both sides of the bill reflect training requirements for owners and operators. Mr. Johnson answered in the affirmative, as both versions are fairly consistent with day-to-day operations.

##### **B. Petroleum Storage Tank Fund Status**

Mr. Johnson stated that within the last 10 months, the Division of Environmental Response and Remediation (DERR) has met with the Utah Underground Storage Tank Advisory Task Force (Task Force) three times, and with the Underground Storage Tank (UST) certified consultants to discuss the Petroleum Storage Tank (PST) Fund. In the last Task Force meeting, it was decided that the DERR would go to the Legislative Interim Committee meeting scheduled for July 20, 2005, and recommend that they eliminate the ability for owners/operators to split their insurance coverage between the PST Fund and other mechanisms. Mr. Johnson noted that there is some uncertainty with this option, as it is not known if this will resolve the problems associated with the Fund. It would all depend on what the owners/operators decide to do. If facility owners/operators who had their tanks split between financial mechanisms decide to put them on the Fund, it will increase the state's revenues by over a million dollars. If they decide to take them all off, then it would decrease the state's revenues by half a million dollars. However, the DERR feels it is the right way to proceed and that it is the least intrusive option available.

Carlton Christensen asked if the DERR had any feel of whether those who have split financial mechanisms would stay on the Fund or not. Mr. Johnson stated that there is no clear conclusion or message of what the owners/operators will do when faced with this decision. Mr. Johnson noted that the preliminary projections for PST Fund expenses for fiscal year 2005 was 7 million dollars, while for the past 3 years, it has been approximately 10 million. Also, the PST Fund revenues for 2005 were about 6 million dollars, while it was 6.5 million previously.

David Cunningham asked if there would be any special requirements that owners/operators would have to follow in order to get reinstated back onto the Fund. Mr. Johnson explained that there would be some requirements they would have to follow, but that the DERR would work with them to make it as easy as possible.

Craig Anderson inquired as to where the Legislative Interim Committee meeting was going to be held. Mr. Johnson stated that it would be in the West Building of the State Capital in room West 125.

##### **C. Rules Development Update**

Mr. Johnson then explained to the Board members that the DERR is continuing to work on developing rules for cleanup standards within the UST Program. It is anticipated that in the September or October Board meeting, the DERR would be prepared to come before the Board and seek approval to begin the formal rule making process. In the meantime, the DERR will meet with the Task Force once more to discuss this issue in further detail.

## **V. Clandestine Drug Lab Rules (Board Action Item)**

Bill Rees, Project Manager for the DERR, explained that in the June Board meeting, the Board disapproved the Clandestine Drug Lab Rules as proposed due to concerns relating to the proposed rules and time frames associated with program implementation. In so doing, Mr. Rees gave a brief overview of the concerns that were expressed during the meeting and what the DERR has done to alleviate those concerns.

The first item of concern related to R311-500. The previous draft included no requirements for the decontamination specialist to disclose to workers that are assisting in the cleanup that they are in fact working in a clandestine drug lab environment. To address this concern, language was added to R311-500-8, Performance Standards, requiring the decontamination specialist to disclose to any person(s) assisting with decontamination of a contaminated property that the work is being performed in a clandestine drug lab. The decontamination specialist would also be required to inform the person(s) of the potential risk associated with this type of environment and ensure that the person(s) wears the necessary personal protective equipment as established by the decontamination specialist.

The second item of concern related to intervention. The previous rule as proposed, R311-501, did not have a provision for intervention. To alleviate this concern, language was added to R311-501-4 allowing intervention in a manner consistent with the Utah Administrative Procedures Act.

The final item of concern related to the time frames associated with program implementation including development of the proposed training manual. To address this concern, a schedule was developed through initial testing. (A copy of this schedule was included in the Board Packet sent out previously.) Based on the schedule, it is anticipated that the manual will be finalized in September prior to the October Board meeting (at which time, the DERR will request adoption of the rules). It is also anticipated that testing will begin approximately two weeks after the Board adopts the rules. This two-week period will allow the DERR to coordinate publication with the Division of Administrative Rules and to begin accepting applications from those that are interested in becoming a certified decontamination specialist.

Mr. Rees also informed the Board that additional feedback was requested on the proposed changes to R311-500 and R311-501 from the expanded Stakeholder Committee. No comments were received with respect to the proposed changes. As such, the DERR requests that the Board approve R311-500 and R311-501 with the changes noted, for a formal public comment period as part of the rule making process.

Mr. Cunningham stated that it seemed to him that there is a lot of responsibility placed on the Executive Secretary (UST) in regards to logistics of this program and wondered if Mr. Johnson had any concerns or issues that might arise in the future. Mr. Johnson stated that he had no concerns at this point as the program is modeled after the UST certification program and will be implemented in a similar way. Mr. Johnson noted that it is also the responsibility of the Executive Secretary (UST) to deal with any issues that might arise.

**It was motioned by Michael Brehm and seconded by Kory Coleman, and unanimously approved that the revisions to the Clandestine Drug Lab Certification Program Rules (R311-500 and R311-501) be approved to proceed with a formal public comment period as part of the rule-making process.**

## **VI. Used Oil Section Stipulation and Consent Order between the Board and Emerald Services, Inc. (Board Action Item)**

Cheryl Prawl reviewed the information regarding the proposed Stipulation and Consent Order No. 0502004 (SCO) between the Board and Emerald Services, Inc. Emerald Services, Inc. is a permitted used oil processor, transporter, and marketer located at 2450 South 800 West, Salt Lake City, Utah. It also operates a used oil transfer facility at about 650 West 500 South in Union Pacific's 4<sup>th</sup> South Rail Yard, Salt Lake. Between June 17 and July 21, 2004, Division inspectors visited the 4th South Rail Yard. During their visits, the inspectors discovered compliance issues that led to the issuance of Notice of Violation No. 0408025 (NOV) on February 7, 2005. The NOV was issued in response to five

inspection findings: (1) Emerald stored used oil in a part of the rail yard not covered by the permit; (2) Emerald failed to have two drivers present during loading operations between a rail car and truck; and (3), (4), and (5) Emerald failed to use secondary containment for its trucks, rail cars, and connecting hoses while loading/unloading used oil from trucks to rail cars. Ms. Prawl stated that a proposed SCO has been negotiated with Emerald Services. Under the terms of the proposed SCO, Emerald Services will pay a penalty of \$11,360.00.

The public comment began on May 17, 2005, and ended on June 15, 2005, no comments were received. It was recommended that the Board approve the SCO.

**It was motioned by Carlton Christenson and seconded by David Cunningham and unanimously carried that the proposed Stipulation and Consent Order No. 0502004 to resolve the Notice of Violation No. 0408025 issued to Emerald Services, Inc. on February 7, 2005, be approved.**

## **VII. Hazardous Waste Facilities**

### **ATK Thiokol – Bacchus Works (ATK-Bacchus), request for a Variance (Informational Item)**

Craig Anderson noted that additional information was distributed to the Board prior to the meeting. The information provided in the Board's packet contained only the front page of the Executive Summary and should have been double-sided.

Don Verbica informed the Board that ATK-Bacchus has submitted a request to the Executive Secretary for a variance from the Utah Hazardous Waste Management Rules, pursuant to R315-2-13 of the Utah Administrative Code. If granted, this variance will let ATK-Bacchus store waste ingredient slum, a reactive hazardous waste, longer than the one-year limitation imposed by the Land Disposal Restrictions (LDR). The purpose for this variance is to allow ATK-Bacchus to complete the development of improved treatment protocols for this waste stream. The waste ingredient slums are generated during normal manufacturing operations at the ATK-Bacchus facility. These waste ingredient "slums" consist mainly of aluminum powder and ammonium perchlorate, but may also include other reactive ingredients. ATK-Bacchus began its evaluation of this waste stream in February 2005 after experiencing the fourth unexpected over-pressure event (detonation) while treating the waste at the NIROP Burning Grounds. After the last event, ATK-Bacchus began an internal safety evaluation of the treatment procedures for this waste stream and began testing to revise the treatment protocols. While ATK-Bacchus has made significant progress in developing safe treatment protocols for this waste, the last round of testing indicated that some additional tests were needed.

The public comment period begin on July 7, 2005, and will end on August 10, 2005. In conjunction with this comment period, the Division will hold a public hearing at the Magna Library on August 8, 2005.

William Doucette asked if a deadline had been set regarding how long the treatment process or evaluation is going to continue, and if the one-year limit was going to be exceeded.

Don Verbica stated ATK-Bacchus have been working on it during the summer and the year timeframe limit will expire on August 12, 2005. Furthermore, because the timeframe may expire before completion, a Board telephone conference meeting may be needed to address this issue in August.

Chris Falkenberg, representative of ATK Alliant Techsystems, stated that a number of tests have been conducted and based on the results it has been determined that additional testing still needs to be conducted.

William Doucette asked when would ATK-Bacchus would have to complete the process if the variance was approved. Bill Wallner stated that the variance would grant ATK Alliant Techsystems up to one year to handle the waste. Micheal Brehm asked what alternatives are available, such as an off-site disposal option. Chris Falkenberg stated that this particular material is difficult to classify for disposal at any other facility due to Utah Department of Transportation (UDOT) concerns. Therefore, it needs to be disposed of on-site due to the explosive nature of the material. Don Verbica further stated that the hardship is that there is not any way to send it off site without UDOT approving the shipment. Therefore, the remedy would be to allow ATK Alliant

Techsystems to come up with a treatment method that would be protective of human health and environment as they are currently proposing. David Cunningham stated that since this material is reactive hazardous waste, would waiting longer destabilize it or change its stability in any way. Mr. Falkenberg stated that waiting would not change the stability. Mr. Falkenberg stated the material is dry powder and is currently being monitored and the stability has not changed. Dennis Riding asked if this was a one-time variance or is it likely to occur again. Mr. Wallner stated that this is a one-time variance for this particular waste material. Mr. Wallner clarified that the variance will have a maximum duration time and will end as soon as the problem is dealt with. Craig Anderson stated there is a time factor involved in terms of the existing timeframe, which expires on August 12, 2005. If unresolved before August 12, 2005, it may be necessary for the Board to convene a telephone Board meeting to vote of this issue. Mr. Wallner stated that the end of the public comment period is on August 10, 2005, and that ATK Alliant Techsystems will inform the Division if the variance is still needed. Craig Anderson stated that a determination would need to be made if a quorum is available if needed to handle this issue on August 11, 2005. Dennis Downs stated that the logistics would be that the telephone Board meeting would be held at the DSHW offices and a meeting room would be available for any Board member and the public who wish to attend. Mr. Downs stated that Division staff will keep in contact with ATK Alliant Techsystems representatives, so if a conference call Board meeting is needed the logistics will be taken care of, including ensuring a quorum is present to address the matter.

## **VIII. Commercial/Federal Facilities**

### **A. Stipulation and Consent Order between the Board and Envirocare of Utah, LLC. (Board Action Item)**

Don Verbica reviewed the information regarding the Stipulation and Consent Order (SCO) that resolves a Notice of Violation (NOV) issued to Envirocare of Utah, Inc. on March 8, 2005. The NOV covers the period from October 1, 2003 to September 30, 2004. Five out of the eight violations were self-identified during the same time period. All the violations have been resolved. The SCO includes a penalty of \$22,264.00.

The public comment period began on May 26, 2005, and ended on June 27, 2005, no comments were received. It was recommended that the Board approve the SCO.

**It was motioned by John Newman and seconded by William Doucette and unanimously carried that the proposed Stipulation and Consent Order No. 0504011 to resolve the Notice of Violation No. 0502005 issued to Envirocare of Utah, LLC., on March 8, 2005, be approved.**

### **B. Clean Harbors Grassy Mountain Facility, LLC, request for a site-specific treatment Variance for mercury bearing waste streams, waste code D009. (Board Action Item)**

**Gary Mossor recused himself from this matter.**

Don Verbica reviewed the information regarding the Clean Harbors Grassy Mountain Facility, LLC, request for a site-specific treatment variance for waste code D009 that was presented to the Board at its June 9, 2005 Board meeting. The variance request seeks authorization to stabilize a waste stream that carries the waste code D009 (High Mercury – Subcategory Inorganic). The treated waste is then proposed to be disposed in a Hazardous Waste Disposal Landfill Cell at the Grassy Mountain Facility.

The public comment period began on May 12, 2005, and ended on June 13, 2005, no comments were received. The Division recommended approval by the Board on this matter.

**It was motioned by William Doucette and seconded by Carlton Christensen and unanimously carried that Clean Harbors Grassy Mountain Facility, LLC, request for a site-specific treatment variance for waste code D009 (High Mercury-Subcategory Inorganic) submitted on April 25, 2005, be approved. Gary Mossor abstained from voting.**

**C. Stipulation and Consent Order between the Board and the Utah Test and Training Range (US Air Force) (Informational Item)**

Don Verbica explained the proposed Stipulation and Consent Order (SCO), No. 0503010, to resolve Notice of Violation (NOV) No. 0411034 issued to the United States Air Force, Utah Test and Training Range on February 16, 2005. Violations included failing to apply, in a timely manner, for an emergency treatment permit for range clean-up of munitions; failure to submit a written waste minimization statement; failure to provide a certification statement on reports and correspondence and failure to provide an authorized signature on reports and correspondence.

All violations have been resolved, and the SCO includes a penalty of \$5,720.00.

The public comment period began June 28, 2005, and will end on July 28, 2005. The proposed Stipulation and Consent Order will be brought back to the Board for final action at the next meeting.

**D. Stipulation and Consent Order between the Clean Harbors, Clive Facility (Northeast Casualty Real Property) (Informational Item)**

Don Verbica explained the proposed Stipulation and Consent Order (SCO), No. 0503009, to resolve Notice of Violation (NOV) No. 04012041 issued to Clean Harbors Clive Facility (Northeast Casualty Real Property, LLC.) on February 11, 2005. Violations included the following: Storing LDR regulated waste longer than one year; failing to unload hazardous waste within ten days of arriving at the facility; failing to transfer waste from a container in poor condition to a container in good condition; failing to adequately clean up spills of solid hazardous waste; failing to accurately record the location of containers in storage in the operating record; failing to maintain the site alarm in good operating condition; failing to follow the inspection schedule; and failing to follow manifesting requirements.

All violations have been resolved. The SCO includes a penalty of \$34,250.00. The public comment began on June 23, 2005, and will end on July 22, 2005.

David Cunningham asked if the violations were self-reported. Don Verbica stated that the violations were not self-reported, they were found during an inspection. Carlton Christensen commented that the penalty amount assessed is higher than normal and requested clarification. Don Verbica stated that their other facility, Clean Harbors Aragonite, had changed over to a new tracking system required by the Clean Harbors Corporation and during that time it was also requested that the Clean Harbors Aragonite Facility become a "super center." Therefore, Clean Harbors Corporation closed down several transfer facilities throughout the country and now the waste is currently being shipped to the Aragonite Facility. The Clean Harbors Aragonite Facility is now taking on the responsibilities of a transfer facility and keeping the waste that could be treated at their facility and sending the rest off to other disposal sites, etc. This transition to a "super center" caused a number of these violations to occur. The Clean Harbors Aragonite Facility has addressed the issues and the new system is currently working. Michael Brehm stated that some of the violations noted are "willfull" which suggests that there may be more issues than operational concerns. Mr. Brehm asked if there was any type of management change involved. Mr. Verbica stated that if the Division felt the violations were "willful" they would have been addressed as such. Mr. Verbica clarified that the facility is very small, so some of the issues identified are man-power issues. Mr. Brehm asked for clarification because the "Willfulness/Negligence" factor was considered in the Violation # 4-spills, page 8. Ed Costomiris clarified that that particular incident was spilled material and efforts were made to clean it up but that it was not entirely cleaned up. Mr. Costomiris stated that there is only one full-time employee at this facility. John Newman requested clarification as the violations were not self-reported but neither were they considered "Willfulness/Negligence" because the facility was not aware of how to handle the incident and the Division noted it. Don Verbica stated that this material should have been taken care, as it is part of the facility's inspection procedures. John Newman then asked if the Division felt that it was a "willful" cover-up. Don Verbica stated again that the Division felt the violations were due to the man-power issue, not "willful." John Newman stated that in previous Executive Summaries it has been specified if facilities are self-reporting, and suggested that this information be provided with the information submitted to the Board.

The proposed Stipulation and Consent Order will be brought back to the Board for final action at the next meeting.

**E. Envirocare request for a site-specific treatment variance for waste generated in a uranium enrichment project (Informational Item)**

Don Verbica explained that on June 23, 2005, Envirocare of Utah, Inc. submitted a request to the Executive Secretary for a one-time, site-specific treatment variance from the Utah Hazardous Waste Management Rules.

The Mixed Waste Facility proposes to receive a waste stream from a generator that carries the waste codes for cadmium (D006), chromium (D007), lead (D008), selenium (D010), and spent solvents (F002). There is up to 350 cubic feet of this waste. This waste was generated in a uranium enrichment project wherein highly enriched ash was created through a low-temperature thermal process and then the uranium was recovered through solvent extraction. The residual waste from this extraction process was collected in sealed cans. These one-gallon cans were combined in groups of three into larger containers and surrounded by a cement grout.

A public comment period on this variance request began on July 7, 2005, and will end on August 5, 2005. A public hearing to receive comment on the variance request will be held on Thursday July 21, 2005, at 7:00 p.m. in the Tooele County Court House.

A sample of the product was provided, per Craig Forster's request.

Tim Orton further stated that the waste is from a uranium enrichment facility in operation in the 1970's/1980's. The waste was basically stored in coffee cans and then closed in concrete. At that time, RCRA regulations were not in effect. Mr. Orton stated that additional material was added from the same process. Originally there was forty containers. To date, there are 175 containers of this type of material. The containers are the size of coffee cans. Board members asked about the purpose of the encapsulation. Mr. Orton stated that using macroencapsulation on this waste would significantly reduce the leachability of this waste and thereby meet the Land Disposal Restrictions. Board members asked if tests have been done with this particular process. Otis Willoughby stated that all the information received does not indicate that Envirocare has done any testing. However, Envirocare performed testing on their plastic encapsulation. Mr. Willoughby clarified that the rules state, "substantially reduce leachability", and it has been argued as to what this means. Concerns the Division looks at are longevity of the material, the encapsulant, and the structural stability within the cell. In reviewing the information provided, Envirocare has met the criteria of the structure, longevity and the substantial reducing the leachability concern. Board members asked how thick the encapsulation layer is and how long it will take to process the 175 containers. Mr. Orton stated that the layer is very thick and the generator has asked that Envirocare completely microencapsulate the material before the end of the fiscal year. Board members asked if the specification for the material had been processed by some other entity and is Envirocare applying it or is this some type of proprietary mix that Envirocare has established. Mr. Orton stated that it is a proprietary mix from Envirocare. Mr. Willoughby stated several tests were done before it met Envirocare's needs and the Division's approval.

Mr. Orton requested that if a Board telephone conference is held in August, that this item be placed on the agenda as well.

**IX. Chemical Demilitarization**

**A. TOCDF Update**

TOCDF is continuing with their change over operations from VX Agent to the Mustard campaign. TOCDF is still in the decontamination phase, where they will be decontaminating the building, equipment, etc. Also, TOCDF will be monitoring to ensure that all the VX Agent has been destroyed. The decontamination solution being generated through this process is being burned in their liquid incinerator (secondary combustion chamber). One interruption from the change over operations will occur. TOCDF has VX hydrolysate that CAMDS generated years ago; this agent will be processed in their metal parts furnace. However, before that happens,

TOCDF is doing pre-operation activities to ensure that they are ready to process the VX hydrolysate. The pre-operation activities will be taking place in the next couple of weeks. Once TOCDF has passed their own internal inspections they will proceed to destroy the VX hydrolysate. Mr. Gray explained the history of the VX hydrolysate. Mr. Gray stated that years ago Russia had come up with a process of disposing of VX hydrolysate, by adding water to the ton containers and the reaction neutralizes the VX hydrolysate. However, when CAMDS tested the agent by adding the water, it was determined that it was still not safe enough to ship the waste off-site. So, through discussions and negotiations with TOCDF it has been determined that the best way to dispose of the waste is through the metal parts furnace, not shipping it off site.

Carlton Christensen asked what Russia did with their VX hydrolysate? (It is not known.)

Most of CAMDS is going through closure. Only two operations will continue: (1) the metal parts furnace will continue to treat secondary waste; and (2) the thermal absorption unit will continue to treat the DPE suits. The other sixty-three formally used hazardous waste units are going through closure. To date, one has been closed, and two have approved plans to close, so the process is beginning. Board members asked the projected time for the total sixty-three formal used hazardous waste units to be closed. Mr. Gray stated that a projected time is unknown, but it is anticipated that it will coincide with TOCDF's closure. It is anticipated that both facilities will finish disposal at the same time.

The Board approved Dugway's variance request, Landfill Cap Specifications, at its last Board meeting. Soon after the approval, the Division received plans from Dugway to build a soil cover. The Division has made some comments on the plan and anticipates it to be finalized in the near future.

## **B. Dugway Proving Ground's request for a Variance (Informational Item)**

Marty Gray explained that years ago Dugway workers would go out on the various the ranges and find and recover items and store them in Igloo G. This variance application from Dugway is requesting that the Board allow treatment of 15 scrap munitions, recovered on the various ranges at Dugway. These munition carcasses may have residual Lewisite contamination. All items have been characterized as non-explosive. A few months ago, a few lewisite rounds were sent to Aberdeen and testing was conducted on how the lewisite could be neutralized, and it was successful. Dugway will bring the neutralization equipment to Dugway and test it with the range recovered soils and scrap metal matrix. The variance request is to exceed the limits in a treatability study because the agent is an acutely toxic waste. Current Utah regulations restrict the treatment of acute hazardous waste under a treatability study to one kilogram, unless a quantity variance is approved by the Board. Dugway is requesting a quantity variance to go above and beyond the one kilogram and treat the 15 scrap munitions.

The public comment period began on June 30, 2005 and will end on August 1, 2005. The variance request will be brought back to the Board for final action at the next meeting.

Dennis Riding asked about Dugway's treatment methodology. Jerry Mason, with the Environmental Program Office at Dugway stated that it is a permanganate solution, so it is an oxidative reaction. Mr. Riding asked about the results obtained? Mr. Mason stated that is part of what still needs to be ascertained. These are concerns that have been mentioned by the Division staff that need to be addressed, such as L2 and L3 being formed. So, Dugway will be analyzing for lewisite in all of its forms. Michael Brehm asked how Dugway does the treatability study with such a complex matrix, and what process is used to ensure that is completely neutralized. Mr. Mason stated it would be agitated from time to time. Mr. Mason stated the material will have to be soaked and after it has soaked for 24 hours it be agitated and a sample will be pulled and analyzed and the material will set for another 24 hours and the process will continue until it has demonstrated completion. Mr. Brehm asked if they are fairly large batches. Mr. Mason stated it is basically the end of a mortar round. Mr. Mason also stated that the purpose is to see if the treatment could be used to decontaminate a real combat area.

The variance request will be brought back to the Board for final action at the next meeting.

## **X. Other Business**

Board members will be notified regarding the potential of an August 11, 2005, telephone conference Board meeting. A regular meeting of the Utah Solid and Hazardous Waste Control Board will be held on September 8, 2005, at 1:00 p.m. in the DEQ Conference Room 101, located at 168 N. 1950 W., (Bldg. #2), SLC.



